

AN 10/612,115
Reply to Office Action of October 28, 2005
Page 8

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REMARKS/ARGUMENTS

The Examiner had previously indicated that subject matter in claims 1, 25, 28, and 29 were allowable but then issued new grounds of rejection. See Office Action, May 31, 2005. The Applicants have amended the claims to further recite the features the Applicants believe the Examiner previously thought allowable. In addition, claims 20-24 have been cancelled. In view of the Amendments and the arguments made below, it is believed that the claims are now in condition for allowance. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection issued on October 28, 2005.

Claim Rejections-35 U.S.C. § 102

Independent Claims 1, 11, 26, and 31 Are Not Anticipated by *Binzer*

Claims 1, 2, 4, 6-9, 11, 12, 15, 17, 18, 20-24, 26, 27, and 29-31 have been rejected under 35 U.S.C. § 102(b) as anticipated by *Binzer* (U.S. Pat. No. 5,299,558). The rejection of claims 20-24 has been rendered moot by the cancellation of these claims. In addition, the Applicant respectfully submits that *Binzer* neither discloses nor suggests all of the features recited in independent claims 1, 11, 26, and 31 as amended. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Binzer discloses a connection system connecting a fireplace insert to a venting passage. Abstract. The connection system includes an "adapter 58 mountable to the end of venting passage 4 for insertion into aperture 36." Col. 3, lines 42-45. The adapter includes a "tubular portion for insertion into the vent passage and an attached anchoring plate 62." *Id.* at lines 45-47. The plate also includes a "seal 64 for engagement with the top of the enclosure about aperture 36" and a "protruding guide flange 66" that extends from the guide plate. The adapter is secured to the fireplace insert by a fixed angled bracket 68 and a moveable angled bracket 69.

In contrast, the claims of the present invention recite a flue connection system with additional and novel features. *Binzer* does not teach, disclose, or suggest a vent aperture that includes a seat as positively recited in each of the independent claims of the present application. *Binzer* also does not teach, suggest or disclose an extension member or a cylindrical extension that mates with the seat on the vent aperture. The flue connection system in claim 1 includes an appliance connection member "defining a second aperture, the second aperture including a seat" wherein an "extending member extending beyond the bottom surface of the plate member mates

AN 10/612,115
Reply to Office Action of October 28, 2005
Page 9

with the seat of the second aperture." Claim 11 similarly recites a "vent system including a vent opening in the appliance, the vent opening including a seat" wherein an "extending member extending beyond the bottom surface of the plate member mates with the seat of the vent opening." Claim 26 includes a "method of coupling a flue duct to an appliance using a flue connection member" wherein the "coupling the flue connection member to the appliance" includes "inserting a portion of the cylindrical extension extending from the bottom surface of the flue connection member into the vent aperture and mating the cylindrical extension with the seat of the vent aperture." Claim 31 also recites a "method of coupling a flue duct to an appliance using a flue connection member" wherein "coupling the flue connection member to the appliance" is accomplished by "inserting the cylindrical extension extending from the bottom surface of the flue connection member into the vent aperture into engagement with the seat." Because *Binzer* does not teach, disclose, or suggest all of the recited elements of the present independent claims, the claims are therefore not anticipated.

In addition, *Binzer* does not include a flue connection member with "an opening and the appliance connection member further comprising a tab that extends beyond a top surface of a plate portion of the appliance connection member, wherein the tab extends into the opening when the flue connection member and the appliance connection member are coupled together" as recited in claim 1. The corresponding opening and tab insure that the flue connection member and the appliance connection member are properly seated and the apertures are aligned. This feature is recited in a similar manner in claim 11. Claims 1 and 11 are therefore not anticipated by *Binzer*.

In addition, independent claims 1, 11, 26, and 31 do not read upon the disclosure in *Binzer*. For at least these reasons, reconsideration and withdrawal of the rejections is respectfully requested.

Moreover, independent claims 2, 4, 6-9, 12, 15, 17, 18, 27, and 29-30 depend directly or indirectly from independent claims 1, 11, 26 and 31, and are therefore also allowable for at least these same reasons.

AN 10/612,115

Reply to Office Action of October 28, 2005

Page 10

Independent Claims 1, 11, 26, and 31 Are Not Anticipated by Cannata

Claims 1, 2, 4, 6-9, 11, 12, 15, 17, 18, 20-24, 26, 27, and 29-31 have been rejected under 35 U.S.C. § 102(b) as anticipated by *Cannata* (U.S. Pat. No. 4,683,623). The rejection of claims 20-24 has been rendered moot by the cancellation of these claims. In addition, the Applicant respectfully submits that *Cannata* neither discloses nor suggests all of the features recited in independent claims 1, 11, 26, and 31 as amended. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Cannata discloses a positive interconnect system that "provides a sealed passageway between a fireplace insert (11) and a liner (12) in the flue (13) of a chimney (14)." Abstract. The interconnect system includes an oval connector and a transitional connector joined together by an interlock and fastened to the top end of a flexible duct. The "connection member 46" of *Cannata* recited by the Examiner is connected at a top portion of the flexible duct 40 and mates to the flue 13 through the transitional connector 48. See col. 5, line 49-col. 7, line 31. The connection member 46 is part of a "composite connector assembly 45" that includes "an oval connector that can be removably secured to a transitional connector by virtue of an interlock 49." Col. 5, lines 52-54. In addition, the flexible duct 40 of *Cannata* is connected to the fireplace insert using an insert connector 35 that includes a rectangular frame 121 which is "chosen to fit over the standard exhaust vent 122 of a fireplace insert 11." Col. 10, lines 2-3. The insert connector also includes a boot 120 into which the flexible duct 40 is inserted.

In contrast, the claims of the present invention recite a flue connection system with additional and novel features. *Cannata* does not teach, disclose, or suggest a vent aperture that includes a seat as positively recited in each of the independent claims of the present application. *Cannata* also does not teach, suggest or disclose an extension member or a cylindrical extension that mates with the seat on the vent aperture.

- Claim 1 includes an appliance connection member "defining a second aperture, the second aperture including a seat" wherein an "extending member extending beyond the bottom surface of the plate member mates with the seat of the second aperture."

AN 10/612,115
Reply to Office Action of October 28, 2005
Page 11

- Claim 11 similarly recites a “vent system including a vent opening in the appliance, the vent opening including a seat” wherein an “extending member extending beyond the bottom surface of the plate member mates with the seat of the vent opening.”
- Claim 26 includes a “method of coupling a flue duct to an appliance using a flue connection member” wherein the “coupling the flue connection member to the appliance” includes “inserting a portion of the cylindrical extension extending from the bottom surface of the flue connection member into the vent aperture and mating the cylindrical extension with the seat of the vent aperture.”
- Claim 31 recites a “method of coupling a flue duct to an appliance using a flue connection member” wherein “coupling the flue connection member to the appliance” is accomplished by “inserting the cylindrical extension extending from the bottom surface of the flue connection member into the vent aperture into engagement with the seat.”

Because *Binzer* does not teach, disclose, or suggest all of the recited elements of the present independent claims, the claims are therefore not anticipated.

In addition, the apertures of the various portions of the insert connector 35 are not aligned by use of an extension member or cylindrical extension as claimed in claims 1, 11, 26, and 31. Rather, the boot 120 slides “fore and aft, as necessary or desirable, for the most suitable alignment of the boot 120 with the exhaust vent 122 of the insert 11” such that the boot 120 “can move across the full span of apertures 130 and 131.” Col. 10, lines 27-34.

Cannata also does not include a flue connection member with “an opening and the appliance connection member further comprising a tab that extends beyond a top surface of a plate portion of the appliance connection member, wherein the tab extends into the opening when the flue connection member and the appliance connection member are coupled together” as recited in claim 1. The corresponding opening and tab insure that the flue connection member and the appliance connection member are properly seated and the apertures are aligned. This feature is recited in a similar manner in claim 11. Moreover, the features of *Cannata* recited by the Examiner that relate to the connection member 46 are not “configured to be attached to the

AN 10/612,115
Reply to Office Action of October 28, 2005
Page 12

appliance" as claimed in claim 1. Independent claims 1 and 11 are therefore not anticipated by *Cannata*.

The independent claims 1, 11, 26, and 31 therefore do not read upon the disclosure in *Cannata*. For at least these reasons, reconsideration and withdrawal of the rejections is respectfully requested.

Moreover, independent claims 2, 4, 6-9, 12, 15, 17, 18, 27, and 29-30 depend directly or indirectly from independent claims 1, 11, 26 and 31, and are therefore also allowable for at least these same reasons.

Claims 10 and 19 Are Not Obvious In View Of *Binzer* or *Cannata*

Claims 10 and 19 were rejected under 35 U.S.C. 103(a) as obvious in view of either *Binzer* or *Cannata*. Claims 10 and 19 both depend indirectly from independent claims 1 or 11. Claims 1 and 11, as set forth above, are allowable in view of *Binzer* and *Cannata*. Since claims 10 and 19 incorporate all of the features of claims 1 and 11, respectively, and still further refine the allowable invention claimed therein, claims 10 and 19 are also allowable.

Reconsideration and withdrawal of the rejection of claims 10 and 19 in view of *Binzer* and *Cannata* is therefore respectfully requested.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

PETITION FOR EXTENSION OF TIME

The Applicant herewith petitions the Commissioner to extend the time for reply to the Office Action dated October 28, 2005 for one (2) months, from January 28, 2006 to March 28, 2006. A credit card payment form in the amount of \$450.00 for a two-month extension of time is submitted herewith. No additional fee is believed to be necessary for the entry of this paper. Should any additional fee be required for entry of this paper, the Commissioner is

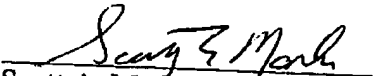
AN 10/612,115
Reply to Office Action of October 28, 2005
Page 13

authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event,
is requested to notify us of the same.

Respectfully Submitted,

FAEGRE & BENSON LLP

By:


Scott A. Marks, #44,902
Customer No.: 58506

Dated: March 28, 2006
M2:20785240.01

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